

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CV-011**

**ELENA M. DAVID, ARLEEN J. STACH,
VICTOR M. HERNANDEZ,**

Plaintiffs

Vs.

ORDER

**J. STEELE ALPHIN; AMY WOODS BRINKLEY;
EDWARD J. BROWN, III; CHARLES J.
COOLEY; RICHARD M. DeMARTINI;
BARBARA J. DESOER; JAMES H. HANCE;
LIAM E. McGEE; EUGENE M. McQUADE;
ALVARO G. de MOLINA; MICHAEL E.
O'NEILL; OWEN G. SHELL, JR.; R. EUGENE
TAYLOR; F. WILLIAM VANDIVER, JR.;
BRADFORD H. WARNER; CHARLES W.
COKER; STEVEN JONES; KENNETH D. LEWIS;
BANK OF AMERICA CORPORATION; BANK
OF AMERICA CORPORATION CORPORATE
BENEFITS COMMITTEE,**

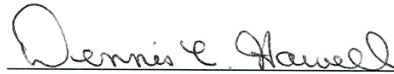
Defendants.

THIS MATTER has now been assigned to the undersigned to act as referral judge to Chief Judge Robert J. Conrad. There is pending at the present time a motion filed by the defendants entitled "Defendants' Partial Motion to Dismiss Second Amended Class Action Complaint" (#84). After conducting a preliminary review of the motion, prior to the entry of a Memorandum and Recommendation, the undersigned has determined to conduct a hearing regarding the pending motion. If the parties disagree with the date and time of the hearing as set forth later in this Order they should discuss a date and time that is convenient for all concerned before moving to continue the hearing.

ORDER

IT IS, THEREFORE, ORDERED that the “Defendants’ Partial Motion to Dismiss Second Amended Class Action Complaint” (#84) is hereby calendared for oral argument on **June 27, 2008 at 9:30** o’clock a.m. in courtroom #2 of the United States Courthouse in Asheville, North Carolina.

Signed: May 21, 2008

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Dennis L. Howell
United States Magistrate Judge

